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Dated: June 1, 2007
Electronic Signature for Elizabeth A. Hanley, Esq.: /Elizabeth A. Hanley, Esq./

Docket No.: EISN-018US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Roch Boivin *et al.*

Application No.: 10/507,067

Confirmation No.: 8892

Filed: November 10, 2004

Art Unit: 1626

For: MACROCYCLIC COMPOUNDS USEFUL AS
PHARMACEUTICALS

Examiner: Young, Shawquia

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is responsive to the restriction requirement set forth in the Office Action mailed May 1, 2007.

The Examiner has required restriction between a number of inventions in the above-identified application. A precise listing of groups was not determined, however the following exemplary groups were given:

- Group I – Claims 1-22, 37-46, 66 and 81-83 (in part), drawn to a compound of formula (I) wherein R₁-R₃ are as defined in claim 1 excluding heteroaryl or heterocyclic; R₄ is hydrogen or halogen; R₅-R₈ are as defined in claim 1; R₉ is morpholine; R₁₀ and R₁₁ are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic
- Group II – Claims 1-22, 37-46, 66 and 81-83 (in part), drawn to a compound of formula (I) wherein R₁-R₃ are as defined in claim 1 excluding heteroaryl or heterocyclic; R₄ is hydrogen or halogen; R₅-R₈ are as defined in claim 1; R₉ is piperidine; R₁₀ and R₁₁ are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic
- Group III – Claims 1-22, 37-46, 66 and 81-83 (in part), drawn to a compound of formula (I) wherein R₁-R₃ are as defined in claim 1 excluding heteroaryl or heterocyclic; R₄ is hydrogen or halogen; R₅-R₈ are as defined in claim 1; R₉ is pyrrolidinyl; R₁₀ and R₁₁ are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic

- Group IV – Claims 84-88, 108 and 119-126 (in part), drawn to a method of treatment using compounds of formula (I) wherein R_1 - R_3 are as defined in claim 1 excluding heteroaryl or heterocyclic; R_4 is hydrogen or halogen; R_5 - R_8 are as defined in claim 1; R_9 is morpholine; R_{10} and R_{11} are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic
- Group V – Claims 84-88, 108 and 119-126 (in part), drawn to a method of treatment using compounds of formula (I) wherein R_1 - R_3 are as defined in claim 1 excluding heteroaryl or heterocyclic; R_4 is hydrogen or halogen; R_5 - R_8 are as defined in claim 1; R_9 is piperadine; R_{10} and R_{11} are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic
- Group VI – Claims 84-88, 108 and 119-126 (in part), drawn to a method of treatment using compounds of formula (I) wherein R_1 - R_3 are as defined in claim 1 excluding heteroaryl or heterocyclic; R_4 is hydrogen or halogen; R_5 - R_8 are as defined in claim 1; R_9 is pyrrolidiny; R_{10} and R_{11} are as defined in claim 1; Y and Z are as defined in claim 1 excluding heterocyclic

Accordingly, Applicants hereby request the following grouping of compounds for continued examination: Claims 1-22, 37-46, 66 and 81-83 (in part), drawn to a compound of formula (I) wherein R_1 - R_3 are as defined in claim 1 excluding heteroaryl or heterocyclic; R_4 is hydrogen or halogen; R_5 - R_8 are as defined in claim 1; **R_9 is $-NR_{12}R_{13}$** ; R_{10} and R_{11} are as defined in claim 1; **$R_{12}R_{13}$ are, independently for each occurrence, hydrogen, aliphatic, heteroaliphatic, alicyclic, heteroalicyclic, aryl or heteroaryl or a protecting group**; Y and Z are as defined in claim 1 excluding heterocyclic; X and n are as defined in claim 1.

Exemplary compounds of this group include compounds ER805855, ER805882, ER805940, ER806201, ER806203, ER806204, ER806328, and ER806563. These compounds can be found, for example, on pages 80 and 81 of the application as filed.

It is Applicants' understanding from the Office Action that, upon finding of an allowable product claim, method claims that depend from or otherwise include all the limitations of an allowable composition claim will be re-joined in accordance with the provisions of MPEP § 821.04. Accordingly, Applicants respectfully request rejoinder of the claims directed to methods of treatment using the grouping of compounds listed above, should any of the pending composition claims be found to be allowable.

If a telephone conversation with Applicants' attorney would expedite prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400. It is Applicants' understanding that no fee is due in connection with the present response. However, if a fee is due, please charge any underpayment and credit any overpayment to our Deposit Account No. 12-0080, under Order No. EISN-018US from which the undersigned is authorized to draw.

Dated: June 1, 2007

Respectfully submitted,

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